

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
 )  
 )  
 v. )  
 )  
 )  
 ERIC MOLIGNARO )  
 )

CRIMINAL NO. *04-10373-MLW*  
VIOLATIONS  
18 U.S.C. §2252(a)(1)  
Transportation of Child Pornography  
18 U.S.C. §2252(a)(4)(B)  
Possession of Child Pornography

INDICTMENT

COUNT ONE: 18 U.S.C. §2252(a)(1) - Transportation of Child Pornography

The Grand Jury charges that:

On or about September 5, 2003, in Somerville, within the District of Massachusetts, and elsewhere,

ERIC MOLIGNARO,

defendant herein, knowingly transported and shipped visual depictions in interstate and foreign commerce, by any means including by computer, the producing of such visual depictions having involved the use of minors engaging in sexually explicit conduct and such depictions being of such conduct, that is: Eric Mollgnaro transported the computer file 5yoboybuggers4yo.avi, which contained visual depictions of minors under the age of 18 years engaging in sexually explicit conduct as defined in Title 18, United States Code, Section 2256(2).

All in violation of Title 18, United States Code, Section 2252(a)(1).

COUNT TWO: 18 U.S.C. §2252(a)(4)(B) - Possession of Child Pornography

The Grand Jury further charges that on or about October 10, 2003, in Somerville, within the District of Massachusetts,

ERIC MOLIGNARO

defendant herein, knowingly possessed one or more books, magazines, periodicals, films, video tapes, and other matter which contained any visual depiction that had been mailed, shipped and transported in interstate or foreign commerce, and which was produced using materials which had been so mailed, shipped and transported, by any means including by computer, the producing of such visual depiction having involved the use of a minor engaging in sexually explicit conduct and such visual depiction being of such conduct; that is: ERIC MOLIGNARO knowingly possessed a computer that contained numerous files containing images of minors engaging in sexually explicit conduct as defined in Title 18, United States Code, Section 2256(2) such as:

cindy14.jpg  
1\_1.jpg  
3\_2.jpg  
4\_2.jpg  
0006.jpg  
0010.jpg  
0014.jpg  
Sabban34.jpg  
Sabban37.jpg  
Sabban53.jpg  
little%20girl%20suck%20dad.mpg.mp3

All in violation of Title 18, United States Code, Section 2252(a)(4)(B).

**NOTICE OF ADDITIONAL FACTORS**

**COUNT ONE:**

The Grand Jury further finds with respect to Count One that:

1. The material involved a prepubescent minor and a minor under the age of twelve years, as described in U.S.S.G. § 2G2.2(b)(1) (November 1, 2002 Manual).
2. A computer was used for the transmission of the material, as described in U.S.S.G. § 2G2.2(b)(5) (November 1, 2002 Manual).

**COUNT TWO:**

The Grand Jury further finds with respect to Count Two that:

1. The material involved a prepubescent minor and a minor under the age of twelve years, as described in U.S.S.G. § 2G2.4(b)(1) (November 1, 2002 Manual).
2. The offense involved possessing ten or more items containing a visual depiction involving the sexual exploitation of a minor, as described in U.S.S.G. § 2G2.4(b)(2) (November 1, 2002 Manual).
3. Defendant's possession of the materials resulted from Defendant's use of a computer, as described in U.S.S.G. § 2G2.4(b)(3) (November 1, 2002 Manual).

**FORFEITURE ALLEGATION**  
**(18 U.S.C. § 2253(a)(3) -- Criminal Forfeiture)**

18 U.S.C. § 2253(a) -- Criminal Forfeiture

1. The allegations of Counts One and Two of this Indictment are hereby repeated and incorporated herein by reference for the purpose of alleging forfeiture to the United States under Title 18, United States Code, Section 2253(a).

2. Upon conviction on any of Counts One and Two hereof, the defendant ERIC MOLIGNARO shall forfeit to the United States any and all matter which contains visual depictions produced, transported, shipped, received or possessed in violation of Title 18, United States Code, Section 2252; any property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the said violations; and any and all property used or intended to be used in any manner or part to commit and to promote the commission of the aforementioned violations, including One Digital Computer, model AA5WW bearing serial number KN734KCF07.

All in violation of Title 18, United States Code, Section 2253(a)(3).

A TRUE BILL

*Mire Busky*  
FOREPERSON OF THE GRAND JURY

*Denal Sano*  
ASSISTANT U.S. ATTORNEY

DISTRICT OF MASSACHUSETTS; December 15, 2004

Returned into the District Court by the Grand Jurors and filed.

*[Signature]*  
DEPUTY CLERK

*a/ 2:55 PM*  
*12/15/04*

Place of Offense: Somerville Category No. II Investigating Agency FBI

City Somerville Related Case Information:

County Middlesex Superseding Ind./ Inf. \_\_\_\_\_ Case No. \_\_\_\_\_  
Same Defendant \_\_\_\_\_ New Defendant \_\_\_\_\_  
Magistrate Judge Case Number \_\_\_\_\_  
Search Warrant Case Number 03-899-MBB  
R 20/R 40 from District of \_\_\_\_\_

Defendant Information:

Defendant Name Eric Molignaro Juvenile ☐ Yes ☒ No

Alias Name \_\_\_\_\_

Address 76 Perkins Street, Apt 3, Somerville, MA

Birth date (Year only): \_\_\_\_\_ SSN (last 4 #): \_\_\_\_\_ Sex m Race: \_\_\_\_\_ Nationality: U.S.

Defense Counsel if known: \_\_\_\_\_ Address: \_\_\_\_\_

Bar Number: \_\_\_\_\_

U.S. Attorney Information:

AUSA Dena T. Sacco and Ann Taylor Bar Number if applicable \_\_\_\_\_

Interpreter: ☐ Yes ☒ No List language and/or dialect: \_\_\_\_\_

Matter to be SEALED: ☒ Yes ☐ No

☒ Warrant Requested ☐ Regular Process ☐ In Custody

Location Status:

Arrest Date: \_\_\_\_\_

☐ Already in Federal Custody as \_\_\_\_\_ in \_\_\_\_\_

☐ Already in State Custody \_\_\_\_\_ ☐ Serving Sentence ☐ Awaiting Trial

☐ On Pretrial Release: Ordered by \_\_\_\_\_ on \_\_\_\_\_

Charging Document: ☐ Complaint ☐ Information ☒ Indictment

Total # of Counts: ☐ Petty \_\_\_\_\_ ☐ Misdemeanor \_\_\_\_\_ ☒ Felony two

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: December 15, 2004 Signature of AUSA: Dena T. Sacco

District Court Case Number (To be filled in by deputy clerk): \_\_\_\_\_

Name of Defendant Eric Molignaro

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>18 U.S.C. 2252(a)(1)</u>	<u>transportation of child pornography</u>	<u>Count 1</u>
Set 2	<u>18 U.S.C. 2252(a)(4)(B)</u>	<u>possession of child pornography</u>	<u>Count 2</u>
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: